

HWACalendar

*** February 20, 1991 ***

*** MONTHLY MEETING ***

DEP ONE WINTER STREET BOSTON, MA 5TH FLOOR CONFERENCE ROOM

Published by the Division of Hazardous Waste for the
HAZARDOUS WASTE ADVISORY COMMITTEE

For more information call Nancy Wrenn at 292-5587

9:30	Announcements	
9:40	DEP Budget and Fee Program Update	Bill Cass
10:00	Directions for Household Hazardous Waste	Dan Greenbaum
10:30	Toxics Use Reduction Act (TURA) program at DEP	Suzi Peck
11:15	Proposed Federal Regulations- Hazardous Waste Listings HSWA Codification Rule (2nd rule) Volatile Organic Emission Standards for Process Vents and Equipment Leaks	Susan Green
11:35	Concerns with the 4-part Manifest	Transporters Council
11:50	New Biennial Reporting Requirements	Victoria Phillips Cynthia Chaves

Subcommittee Schedule:

Transporters	March 6th	10:00 AM	DEP, Boston, 5th Fl.
Federal Regulations	March 14th	9:30 AM	DEP, Boston, 5th Fl.



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of January 16, 1991

Members present: Cahaly (chair), Cox, Davis, Dufresne, Lacouture, Mascoop, McGregor

Members absent: Baxter, Ozonoff, Raymond, Rubinstein, Ruddock

The minutes from the 12/19/90 meeting were adopted as written.

It was announced that the next meeting of the Federal Regulations Subcommittee would be on February 7 at 9:30 AM.

Bob Roach of the Executive Office of Environmental Affairs reported that the Siting Policy report was forwarded to Governor Weld, Sec. Tierney and members of the Legislature. Siting reform is of interest, he feels, and will come up in the Legislature this year. He suggested that some of the Task Force meet with the Secretary and members of the Committee on Natural Resources staff. Greg McGregor noted that the new Secretary met with environmentalists and indicated that she was interested in this issue.

Denise Breiteneicher of the Mass. Water Resources Authority presented the new program they are undertaking to encourage diversion of waste oil and household hazardous waste from sewers. Because hydrocarbons are potentially a problem in their sludge, they have set up a partnership for waste oil collection with four communities - Chelsea, Somerville, Cambridge and Boston - who have the highest percentage of combined sewer overflows in the MWRA system. MWRA is providing the equipment, personnel training and disposal costs. In addition, they will be comparing different models of household hazardous waste collections -- permanent and mobile. Financial mechanisms will also be studied.

Members of the Advisory Committee expressed an interest in following the project as it grows.

Susan Green discussed the proposed Third Third Land Ban regulations and distributed the attached handouts. The Federal Regulations Subcommittee (FRSC) recommended adoption of the land ban regulation as promulgated by EPA. Several issues were discussed.

EPA's rule allows dilution of characteristic wastes if they are treated and discharged under the Clean Water Act. There was a question about whether the 21C statute allowed this type of

dilution. It is allowed. Also, the federal land ban does not regulate very small quantity generators. FRSC asked the committee whether the MA land ban should include VSQGs. Greg McGregor suggested that VSQG comply with the substantive requirements of the land ban but not the paperwork. Finally, the Committee recommended that the land ban be included in 310 CMR 30 instead of being adopted by reference.

On a motion by McGregor, seconded by Davis, the members voted unanimously to accept the federal language, with a paperwork exclusion only for Very Small Quantity Generators.

The Committee also voted unanimously in favor of adopting the federal definition of F019, the exemption of mining waste (Bevill amendments) from 310 CMR 30 and the rule on mandatory analytical methods.

Sheila Holmes, representing Carol Amick of the Low Level Radioactive Waste Management Board, gave a brief history of the Board and described their task of developing a management plan. DEP is developing siting criteria and the Dept. of Public Health is developing waste minimization, licensing, and post closure regulations for low level radioactive facilities. There will be six public hearings this spring to discuss the management plan and operator selection criteria.

Mass. is in process of becoming an agreement state with the NRC. Under the Mass. regulations, a host town would have power to choose a technology for management of low level radioactive waste. NRC could pre-empt on health and safety but not for economic reasons. Fees to support the program are expected to come from flat fees on generators and sliding fees, based on volume, federal funds, including a grant from DOE for waste minimization. Generators are surveyed annually (of the 270 surveys returned to date, 12 are producing mixed waste).

Members of the Committee elected a Steering Committee of Cox, McGregor, and Rubinstein. If Lynn Rubinstein is unable to continue to serve, either Davis or Cahaly offered to continue.

The next meeting of the committee will be February 20.

HWACalendar

*** March 20, 1991***

MONTHLY MEETING

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9:30	Announcements Impact of recent cuts Status of the HW program	
9:40	4 Part Manifest: Transporters' issue from previous meeting	Miller
10:00	Household Hazardous Waste Plan: Preparing recommendations for Commissioner Greenbaum	Wrenn
10:15	The Iowa approach: labelling hazardous products	Dufresne
10:45	Current legislation related to HHW	Wrenn
11:00	Update on Recontek proposal	Dreeszen

Subcommittee Schedule:

Transporters	April 3rd	10:00 AM	DEP Boston, 5th Fl.
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Massachusetts Hazardous Waste Management Advisory Committee

Minutes of February 20, 1991

Members present: Cox (chair), Brown, Dufresne, Lacouture, Mascoop, Raymond

Members absent: Baxter, Cahaly, Davis, McGregor, Ozonoff, Rubinstein

Geoffrey Brown of James River Corp., So. Hadley, who is the Associated Industries of Mass. representative to this committee was welcomed. Susan Green announced that the Federal Regulations Study Committee meeting of March 14 had been canceled.

Bill Cass stated that the funding from the new Fees Program is ahead of schedule and will meet the revenue expectations. The funds diverted from the Toxics Use Reduction program, originally expected to be \$400,000, are now expected to be \$130,000. With the Commissioner having been reappointed by the new administration, there is new confidence in the direction of the agency. However, filling positions is uncertain. Two key people, Cynthia Chaves and probably Susan Green, have been assigned to the TURA program.

Susan Green offered a hand-out on HSWA Codification Rule II. She recommended that we not adopt corrective action regulations pursuant to HSWA until the program could be coordinated with the Massachusetts Contingency Plan (state clean-up program). 21C is now developing procedures to work jointly with 21E on corrective action at RCRA facilities. In another regulatory matter she proposed adoption of 8 new F and K wastes to meet new federal standards and process vent requirements for TSDF's which handle federal wastes.

The members voted unanimously to adopt the HSWA codification rule (except for corrective action), new F and K wastes and adopt by reference the process vent requirements for RCRA facilities.

Commissioner Dan Greenbaum recognized the work of members of HWAC on improving the hazardous waste facility siting process and shared his commitment to following through with their recommendations while proceeding within the current siting framework on the Recontek proposal. He stated that individual citizens need to understand that they too are generators of hazardous waste. He challenged the committee to look systematically at toxics in the solid waste stream to see if there could be separation to achieve cleaner waste streams. He would like the committee to develop specific concepts, ie., mechanisms to pay for such a program and a definition of the appropriate role for the state.

In the discussion that followed, financial mechanisms mentioned were a deposit on motor oil and, as in Rhode Island, a dedicated fund from tax on hazardous consumer products, including tires and appliances. The likely impact of Clean Air Act requirements on reformulation of paint was noted. Greenbaum noted that one third of the communities in the State have mandatory recycling and one million people have curbside recycling services. Barbara Kelley of the Office of Technical Assistance (EOEA), which has shared with DEP the Joint Task Force on Household Hazardous Waste, urged that the success of this effort is dependent on a close working relationship with the Solid Waste Management program. Bill Cass stated that he would like to see a joint advisory committee from SW and HW work on solutions.

Suzi Peck, director of the Toxics Use Reduction program, provided an overview of the program, which aims for a 50% reduction in the use of toxics by the year 1997. Currently staff are working on developing regulations and reporting forms to report on toxics substances manufactured, processed or otherwise used. Training will be offered for reporting companies on the use of the forms. Specially trained planners will certify toxics use reduction plans due in July 1994. Additionally, the TURA staff will be reviewing regulations, policies and procedures within DEP which may affect the use of toxics. The "whole facility approach" will be promoted in cross-media projects, reporting, permitting, and training of DEP staff and inspectors. An Administrative Council on Toxic Use Reduction, with representatives from Public Health as well as other agencies, is now being established through EOEA.

Rick Shaffer of Suffolk Services, representing the Transporters Council, requested that HWAC reconsider its recent regulation requiring the use of a 4-part manifest for in-state shipments of waste oil only and from VSQG's. In some cases, he said, when there is a rejected load, the shipment must be re-manifested on an 8-part. The transporters would like to have the flexibility of being able to originate a shipment on an 8-part and remove the unneeded copies. Sue Prior of Laidlaw Environmental Services said that identifying the companies which have changed status to VSQG but are retaining their MAD numbers is difficult and that transporters should not be responsible for determining status. The 4 part manifest will be on the agenda for the next meeting to allow further discussion. Shaffer requested that the Department offer 310 CMR 30.000 by modem.

Victoria Phillips explained the new Biennial Report which will be required of LQG's, a letter to these companies being sent this week.

The next meeting of HWAC will be March 20.

of brand name products in the slides was criticized. Nancy Wrenn noted that if the cost of collecting household hazardous waste is to be reduced, consumer awareness is needed as a means of preventing purchase of such products. Another approach would be to go back to the manufacturer and press for reformulation. However, standardization of labelling and consumer information at the national level is needed.

Steve Dreeszen reported that the Recontek facility proposal is moving through the siting process with site suitability the focus at this time. Scoping of the EIR is underway and review of the company's environmental record. A referendum in Orange on March 4 revealed a mixed message from the citizens. The citizens accepted the prospect of a Recontek facility in Orange, but rejected the proposed site. The company felt encouraged to continue in the EIR process. A preliminary finding is expected early in the summer. Because of the recent cut-off of Superfund monies to No. Carolina due to insufficient TSD capacity, Recontek believes that Massachusetts may have to look favorably on their application, although they are also applying for sites in several other states simultaneously. Dreeszen said that Mass. generates a lot of metal plating sludges and that there is 12% unemployment in the Orange area.

Nancy Wrenn reported on a current bill (H-1959 submitted by Rep. Angelo) before the Committee on Natural Resources which would amend the used oil return law (52A) to require towns and cities to provide collection services. The members expressed concern about the feasibility of curbside collection of waste oil and possible over-burden on local Boards of Health if they were required to administer this law. They questioned whether the funds raised by the proposed lubricant tax would be sufficient to provide the necessary staff. They also had questions regarding the liability of those collecting the oil.



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of March 20, 1991

Members present: Rubinstein (chair), Brown, Cahaly, Dufresne,
Mascoop

Members absent: Baxter, Cox, Davis, Lacouture, McGregor, Ozonoff,
Raymond

Minutes of the 2/20/91 meeting were approved as written. Susan Green announced that there would be workshops in April for companies subject to Toxic Use Reduction Act reporting.

Jim Miller, in the absence of Bill Cass, reviewed the recent cuts, proposed furloughs and lay-offs. He stated that there has been a 5% cutback in each program planned but it is not yet certain if and when that will be implemented.

Jim Miller reported that he is still considering the request by the transporters to have the option of using the 8-part manifest. He sees a legal question related to the transporter tearing up parts of the manifest. In terms of the question of determining who is a registered VSQG, he noted that it is the responsibility of the generator to know its status. The new VSQG printouts on generator status will be available from EPA within a month, he anticipates. In the case of rejected loads, which might begin on a 4-part manifest but be redirected out of state and therefore would need an 8-part, Miller requested documentation from the transporters as to how often this might occur.

Nancy Wrenn introduced a plan to develop recommendations for Commissioner Greenbaum on a systematic approach to household hazardous waste and a new state role. She suggested that a small steering committee meet to design a one-day workshop for consideration of options. Geoff Brown offered to host the workshop at his plant in South Hadley and volunteered to serve on the steering committee. Meg Budney of AETC also volunteered to serve. By unanimous vote the Committee supported the plan.

Lisa Dufresne presented a slide show from the state of Iowa describing their household hazardous materials program which requires retailers to display an identifying label and provide consumer information on proper disposal. An annual permit fee for each retailer provides funds for toxic cleanup days and public information. Members questioned the stigmatization of certain products by negative labelling and wondered whether there was any evidence that retail sales of these products had dropped. The use

HWACalendar

May 15, 1991

MONTHLY MEETING

DEP ONE WINTER STREET BOSTON 5TH FLOOR CONFERENCE ROOM

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- 9:30 Announcements
- 10:00 DEP Policy on Implementation of TC
Bill Cass
- 10:30 Antifreeze: risk, recyclability, options for disposal
Bruce Houghton, Houghton Chemical Company
Mary Robbins, MWRA Toxics Reduction Program
- 11:15 Impact of recent SJC ruling (Clean Harbors vs. Braintree
Board of Health)
Steve Dreeszen
Geoff Brown

Subcommittee Schedule:

- Household Hazardous Waste - June 7 work session, One Ashburton
Place, Boston, 21st floor
- Transporters - June 12, DEP 5th floor, 10-noon



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of April 17, 1991

Members present: Geoffrey Brown, JoAnn Herrigel, Susan Raymond

Members absent: Cahaly, Cox, Davis, Dufresne, Lacouture, Mascoop, McGregor, Ozonoff, Rubinstein

In the absence of a member of the steering committee, Nancy Wrenn served as chair. She introduced JoAnn Herrigel, a waste planner from the Metropolitan Area Planning Council staff, who has been nominated to replace Frank Baxter as a regional planning agency member.

Also introduced was Sharon Green, a new member of the Executive Office of Environmental Affairs staff, who is a waste policy specialist. In her work, she said, she will be needing input from the HWAC for capacity assurance planning. She said that Sec. Tierney sees siting reform as a high priority and the work of the Siting Reform Task Force as a springboard for discussion. The active support of hazardous waste generators will be needed for any specific proposal.

Nancy Wrenn reported that the Household Hazardous Waste Task Force is working on the question of re-defining what is a household hazardous waste. No date has yet been set for the work session in which recommendations will be developed.

Bill Cass reported that the regulations for reporting under the Toxic Use Reduction Act (TURA) were filed on April 12. Training sessions on the goals of the law and completion of forms offered in April will be followed by training in late May and early June. Reports are due from the regulated companies July 1, 1991. Geoff Brown, who had attended one of the workshops, stated that businesses have not been collecting the detailed data which will be required so will use 1990 as their base year.

The impact of the new TC Rule on one automotive industry was discussed by Virginia Carlson, an attorney with the Hertz Corporation, which has 150 large maintenance facilities throughout the country. She stated that Hertz has found metal filings in the spent oil filters from new cars which appear to fail TC on the first oil change. Hertz is cautious about disposing of used oil filters as a solid waste because of former landfill disposal practices which have resulted in site clean-up actions. The free-standing oil filter crushers now beginning to come on the market are not dependable, Carlson said, and the crushing process is time-consuming.

Hertz is considering its options for disposal of oil filters: (1) incineration (SafetyKleen is ready to pick up 30 gal. drums of uncrushed filters at \$1/filter); (2) drain and toss until EPA further defines the status of oil filters under the TC rule; (3) crush and landfill the drained filters. The choice is whether to spend \$1 million on recycling the oil filters or reserve this amount for potential Superfund liability even though sampled filter elements did not fail TC. Some states are already rejecting oil filters from solid waste landfills. And, Carlson suggested, there is a need to create markets for scrap metal recycling. Her research indicates that there is not yet a business capable of handling the volume of filters which Hertz would offer so they will try several on a pilot basis.

David Dow, of Almar Industries, described his plan to pick up filters, cut them open, spin the element and send the metal casing for reclamation, the oil off as a generated waste, and the filter elements to solid waste incineration, if it passed on total metals. He is awaiting a decision from this department as to what requirements he must meet.

Next meeting of HWAC is scheduled for 5/17/91.

HWACalendar

June 19, 1991

MONTHLY MEETING

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9:30 Announcements and updates:

SJC Ruling and DEP's response	- Steve Dreeszen
Recent data base changes	- Jim Miller
Interim Guidance on TC wastes	- Jim Miller

10:15 Report from the Household Hazardous Waste Steering
Committee - Geoff Brown

Discussion of the Next Steps

Subcommittee Schedule:

Transporters

July 10, DEP, 5th Floor, 10 AM



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of May 15, 1991

Members present: Geoffrey Brown, Robert Cox, Sally Davis, Lisa Dufresne, JoAnn Herrigel, Bradley Lacouture, Ethan Mascoop, Gregor McGregor, David Ozonoff, Susan Raymond, Lynn Rubinstein

Member absent: Dick Cahaly

Greg McGregor, as chair, called for approval of the minutes of the April 17 meeting, which were approved as written.

Bill Cass discussed the questions which have been raised by EPA's Toxicity Characteristic Rule, noting that a number of states, New York for one, have petitioned EPA to reconsider the Rule. Most states are ignoring the Rule, pending further clarification by EPA. Wastes cannot be easily classified as toxic without going through an expensive test procedure and waste streams cannot be categorically classed based on limited test data. Therefore, DEP's position is to defer to EPA at this time on certain waste streams, such as antifreeze, used oil filters, soils contaminated from spilled virgin petroleum products, and auto shredder residue. Caution however will be advised on proper handling of these wastes.

Bruce Houghton, president of Houghton Chemical Corporation, a producer of antifreeze, was introduced. The corporation also is a wholesaler of chemicals, mostly organics, and consults on OSHA, EPA and DOT regulations with the marine industry. They are a major supplier of de-icers to Logan Airport. Their antifreeze is produced in New Jersey. The U.S. market is big, about 200 million gallons a year but the profit margin is about 10 cents a gallon. Although spent antifreeze can be distilled, the resulting product is not yet of high enough standard, nor economically feasible, Houghton feels, to market. The formula for antifreeze is very sophisticated and because of this the recycling machines are not effective. The components biodegrade rapidly in sunlight and therefore, the impact of disposal on pavement is negligible, although in areas of critical environmental concern, e.g. Cape Cod, spent antifreeze could be a threat, Houghton admitted. The toxic quality of the antifreeze is due to solder (lead-based), benzene, and other pollutants which may be a result of poor maintenance of the vehicle. The ethylene glycol itself is not a big hazard.

An EXXON representative reported that 40% of its spent antifreeze failed TC because of lead. Mary Robbins of the Toxics Reduction Program at Mass. Water Resources Authority, stated that disposal of antifreeze down the sewer is not allowed in their system. This would apply to households and storm drains in

communities with combined sewer overflows. Lead, is the main concern, based on tests of antifreeze from MWRA vehicles. They are currently considering the possibility of adding antifreeze collection to their waste oil collection under the Household Hazardous Waste grant program.

Steve Dreeszen gave a brief outline of the history of the recent Supreme Judicial Court ruling reversing the judgment of the Superior Court and affirming that hazardous waste facilities must obtain a site assignment under G.L. C. 111, Sect. 150B. When C. 21D, the siting law, was enacted in 1980, the Legislature did not spell out to whom it applied. A 1984-1985 150B sub-committee of HWAC could not come to agreement on whether the site assignment applied to existing or new facilities. After 3 years of working on a site assignment for Clean Harbors, the Braintree Board of Health process broke down, resulting in the court case. The question therefore remains: what is the reach of 150B? To what class of facility does it apply? Does it apply to those operations which were in existence prior to 1980? Given a broad interpretation, this might cover all generators, all 21E sites. Therefore, DEP needs to develop regs for 150B, Dreeszen said.

In the short term DEP is considering an emergency regulation to deter Boards of Health from getting into the site assignment process until 150B regs are promulgated. (Hearings would be held 90 days following the emergency reg.) Ethan Mascoop, representing the Mass. Board of Health Officers, stated that he is aware that his organization is very interested in this issue and wants to be involved. He would prefer that DEP not do an emergency reg. Bob Cox moved that DEP provide the language of the proposed emergency regulation for HWAC consideration at the next meeting. The motion passed, with Rubinstein, Ozonoff, Raymond and Mascoop abstaining. Sue Raymond stated she abstained because she did not want the message to be that HWAC supported an emergency reg. Lynn Rubinstein suggested that DEP send a letter of explanation to all Boards of Health. Ethan Mascoop supported this.

The next meeting of HWAC will be on June 19.

HWACalendar

July 17, 1991

MONTHLY MEETING

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9:30 Announcements and updates:

Farewell statement* - Bill Cass

10:00 Report on new subcommittee for 150B regulations - Steve
Dreeszen

10:15 Recommendations of the Household Hazardous Waste Steering
Committee - members of the committee

Discussion

Subcommittee Schedule:

Transporters

August 14, 5th floor, 10 AM

*Bill Cass will begin his new position as Exec. Director of
the New England Waste Management Officials' Association on
July 22.



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of June 19, 1991 Meeting

Members present: Brown, Cox (chair), Davis, Dufresne, Herrigel, Lacouture, Mascoop

Members absent: Cahaly, McGregor, Ozonoff, Raymond, Rubinstein

Bob Cox, as chair, called for approval of the minutes of the May 15 meeting, which were approved as written.

Bill Cass reported that DEP will receive level funding this new fiscal year. Resources are being distributed between and across programs, with a set-aside for priorities. Increased resources are being given to the industrial wastewater program. The impact of this on the traditional programs is not yet known.

Steve Dreeszen discussed and distributed the recent letter from the Department to Board of Health members and other interested parties which committed the Department to promulgate regulations within six months, if possible, for the implementation of MGL c. 21D, section 150B. These regulations will define statutory terms, including clarification of the scope of the term "facility," criteria to be used to guide boards of health in determining whether or not to grant a site assignment and the scope of procedural rules to be followed by boards of health and applicants in the siting process. In the interim DEP advises Boards of Health not to call for new site assignment applications.

Bob Cox asked for volunteers to work on the development of regulations for 150B. Cass stated that a tight schedule would demand a disciplined approach, similar to that used in the Siting Policy Task Force effort of last fall. Six to eight meetings are anticipated. The following people volunteered to serve on the new subcommittee: Sue Prior, Laidlaw Environmental, Al Shaines, consultant, Ethan Mascoop, Mass. Health Officers, Bob Cox, Mass. City Solicitors, JoAnn Herrigel, MAPC, and Geoff Brown, AIM.

Jim Miller reported on recent data base changes resulting from the new annual compliance fee. Many Small Quantity Generators have identified themselves as Very Small Quantity Generators, which brings the universe of SQG's down to 3,500 from 9,000, as of 2/1/91. Large quantity generators total less than 900, down from 1,000.

Jim Miller distributed and discussed the Interim Guidance on Specific TC Wastes (6-18-91) developed by the Division of Hazardous Waste. Bill Cass noted that the questions raised by TC are not

fully resolved, especially related to antifreeze disposal. The regional waste managers association (NEWMOA) is hopeful that some of these wastes will be addressed in RCRA re-authorization. Al Shaines noted that it is frustrating for citizens when they cannot get answers from DEP or EPA. Peg Carson of DEP's Northeast Regional office said that most companies are having spent antifreeze picked up, but not counting it toward their status. Also of concern is monolithic waste, such as treated wood. Should it be subject to this testing procedure? Cass stated that other states are putting pressure on EPA to develop better answers. The issue is that it may cost small businesses \$400-1,000 to go through the TC test procedure.

Geoff Brown of the Household Hazardous Waste Steering Committee reported on the results of a one-day work session in which the question of new directions for the state was addressed. The session was attended by a selected group of 17 from various fields of interest including local HHW managers and toxicologists. The question raised was what is the normal fate of this waste if it is not collected? What impact/harm to people or the environment would occur if it were not collected as HHW? New opportunities for reducing the cost of collection were considered, including partnerships with industry which has infrastructure to manage the waste but may encounter regulatory barriers. Lisa Dufresne noted that the Cape's HHW is 225,000 lbs. a year, correcting the information which was mailed out to HWAC. The steering committee is recommending the hierarchy of waste management, with emphasis on "use up" as a preferred option to disposal as a HHW. Specific waste streams--those containing heavy metals, banned pesticides, recyclables, and automotive products--are recommended as the most important to collect.

The overlap with Solid Waste and Water Quality poses the question of where the management of a HHW program lies. Bill Cass noted that solid waste data can be used, e.g. ash data. Three options of action are under review by the committee: no action, intermediate (2 staff to serve as facilitators of information to communities), and a program which would seek funding, develop regulations, leverage existing tools within the Department. Sally Davis noted that education is most effective in conjunction with a collection. Barbara Kelley reported that 40 towns offered collections this spring. Lisa Dufresne said that on the Cape they are considering coordinating collections in one month to maximize the educational opportunities through local media. Cynthia Chaves urged that people be educated as to the type of facility the HHW is going to and that household chemicals be associated with the types of chemicals used by industry. In this way the connection with siting a facility can be made.

The HHW Steering Committee will hold one more meeting to wrap up their recommendations prior to the next HWAC meeting on July 17.

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September 25, 1991*

MONTHLY MEETING

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9:30 Announcements and status reports

Re-introduction of Steve DeGabriele as Acting Director
150B Subcommittee - Steve Dreeszen
Transporter Council - Al Nardone

10:00 Discussion of RCRA Reauthorization issues - Bill Cass,
NEWMOA (North East Waste Management Officials)

10:30 Household Pesticide Disposal Issues -
Jean DeBroux & Bill Connors, Clean Harbors

11:00 Household Paint Disposal Options -
Grace Caner, Office of Technical Assistance

11:30 Recommendations on Household Hazardous Waste Policy -
Members of the HHW Steering Committee

* Due to Yom Kippur, the date of this meeting has been moved to
the fourth Wednesday.

Subcommittee Schedule:

150B Subcommittee

September 26, 9:30-Noon
100 Cambridge St., Room 208
October 10, 9:30-Noon
100 Cambridge St., Room 207

Transporters Council

October 9, 10:00-Noon
1 Winter St., 5th Fl. Conf. Room



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of July 17, 1991 Meeting

Members present: Cahaly, Brown, Mascoop, Ozonoff, Raymond,
Rubinstein (chair)

Members absent: Cox, Davis, Dufresne, Herrigel, Lacouture,
McGregor

Commissioner Greenbaum, acknowledging the imminent departure of Bill Cass for a new position as executive director of the New England Waste Management Officials' Association, said that Bill was going to an important and strategic place. He thanked him for his leadership in the Department and many accomplishments.

Bill Cass responded that he would miss the people he had worked with at DEP. His new position will involve building consensus among the states of the Northeast on such issues as RCRA reauthorization. He hopes to continue dialogue with HWAC in this role.

Dick Cahaly praised Bill Cass saying that he had brought new meaning to public service. He felt that HWAC has been enabled to accomplish much because of his guidance. David Ozonoff stated that he felt this committee is a model for advisory efforts. He appreciates the amount of staff time which has been offered to the committee.

The June meeting minutes were approved as written. Members agreed to cancel the August meeting.

Steve Dreeszen reported that the 150B subcommittee had met, had selected Susan Raymond and Mitch Briskin as co-chairs, and had agreed on their bi-weekly meeting schedule and direction.

Lynn Rubinstein, a member of the Household Hazardous Waste Steering Committee, introduced the recommendations of this group, which has been meeting to respond to Commissioner Greenbaum's request of the advisory committee. (A full report will be developed for the September HWAC meeting.) The question asked by the steering committee was--should we care about household hazardous waste, given the increasing cost and limited public funds, for collection and disposal? The committee concluded that there should be a hierarchy of waste management, just as in solid waste, e.g. use up, whenever possible, seek substitute products and encourage consumer awareness, recycle, send some wastes to solid waste incineration, if appropriate, or landfills, or to wastewater treatment, rather than collecting and disposing as a hazardous waste.

What can the state do? DEP should communicate the hierarchy through its solid waste program and the wastewater treatment facilities. The most toxic wastes, those which have heavy metal residues and banned pesticides, should be given priority for collection. Also those which are easily recycled, such as waste oil and other waste automotive products, or which can be exchanged, as in some paints, could be targeted for collection.

Geoff Brown, another committee member, added that with the focus the committee took on economizing costs of collection, he has become very interested in how industry can help and sees some "win-win" approaches, such as fuel blending of oil-based paints when compatible with industrial waste streams. This comment aroused HWAC members Cahaly and Ozonoff, who raised the question of liability for industry. Further study of this will be recommended.

Geoff Brown added that the committee has considered the collection and disposition of waste oil and recommends that the Department state a preference for burning in industrial boilers, rather than space heaters in town garages, to protect air quality and minimize the potential for mismanagement. Craig Carlson, a lobbyist for the Bay State Gas Retailers and others, stated that an estimated 6-7 million gallons of waste oil is unaccounted for each year and that much of it probably goes into sewers and landfills. His clients are interested in revising the state's used oil return law and would like to come back to the HWAC to make a presentation in September. Tom Wall of Dependable Waste Oil said that their tests show that lead may be a little high in some waste oil, but that the source of the oil often dictates the quality, e.g. chlorinated solvents may be mixed in at auto body shops. His test results could be made available for the HWAC committee's report. In Canada waste oil from mid-west companies is turned back into oil but re-refining is not cost-effective in the east.

Dave Ozonoff advised that the concept of a hierarchy of waste management be linked with the Toxic Use Reduction Program, e.g. reformulation, as in chlorinated hydrocarbons. (TCE should not be in drain cleaner.) He suggested that DEP target a "hit list" of about 10 items, such as pesticides, chlorinated hydrocarbons, etc. Lynn Rubinstein noted that the matrix of waste management, relative to risks to human health and the environment, developed by the committee, needs further work. Dick Cahaly stated that industry has been working with the hierarchy for years and now homeowners need to understand it. He suggested using the term "household waste" and language in guidance which noted that many of the same types of products are used in industry. Susan Raymond suggested that DEP have a "Help Line" for citizens and stressed the importance of education.

In summary, the HWAC members asked for a 4-5 page report to be prepared, with preamble, supporting the recommendations of the steering committee and HWAC.

PRELIMINARY COMMENTS ON THE RCRA REAUTHORIZATION PROPOSAL

SUBMITTED BY THE MEMBERS OF THE NORTHEAST WASTE MANAGEMENT OFFICIALS' ASSOCIATION (NEWMOA)

September 10, 1991

OVERVIEW

The NEWMOA Directors have developed a number of suggestions for changes to Senate Bill 976 (S. 976) as introduced. These suggestions are outlined in the attached materials. In general, we believe that certain provisions in S. 976 are an improvement over legislation proposed last year, particularly in the area of industrial toxics use and source reduction.

The policy trend in the bill toward preventive, multi-media environmental protection is highly desirable. However, S. 976 as introduced fails to recognize those trends sufficiently. The NEWMOA Directors believe that the philosophy of waste management should be reexamined in a reauthorized RCRA. The emphasis must be changed from media specific, command-and-control to multi-media and preventive approaches. EPA must be required to support and measure actual achievements in improving the environment and directed away from simply calculating procedural steps as a proxy for environmental protection.

There are other basic issues in waste management that this bill fails to address. For example, S. 976 does not comprehensively address the interrelationship of hazardous and solid waste. EPA should be asked to develop practical definitions of hazardous waste and hazardous substances to eliminate sham hazardous waste recycling and to address other problems associated with the absence of such clear definitions. The interstate shipment of hazardous waste must also be addressed, and credible incremental sanctions considered and, when necessary, imposed. Congress needs to develop clear statutory definitions of key terms, such as pollution prevention and recycling. A reauthorized RCRA bill should also address special wastes, such as ash, household hazardous wastes, used tires, auto fluff, used oil, and others. Federal facilities must be brought under the same environmental programs that regulate private facilities. Finally, the state authorization process in Subtitle C should be streamlined. These preliminary comments present NEWMOA's perspective on many of the issues that are not addressed in S. 976 and on specific provisions in the proposed bill.

experience implementing these programs would provide a valuable contribution to the national advisory board activities and reports.

Furthermore, Section 203 should include a provision requiring mandatory labeling of plastic containers as to their resin content. This will assist plastics collection and recycling programs in identifying recyclable plastics and reduce public confusion over the plastic containers that are recyclable and those that are not.

Section 204: Hazardous Constituents in Products

Section (b): Standards for Disposal of Hazardous Constituents in Products

Many of the NEWMOA member states have begun to ban the sale of certain products, such as household batteries, that contain toxic metals. These types of products present environmental problems when incinerated or landfilled in municipal solid waste. The NEWMOA Directors urge Congress to provide EPA with a mandate to ban the sale of certain products that present serious environmental problems when disposed in municipal solid waste. We believe that product bans can be an effective source reduction method when reasonable alternatives are available. Such an approach should be preferable to a management standard for a number of products containing toxic materials, such as lead, cadmium, and mercury. This approach would also be consistent with the legislation's establishment of toxics use and source reduction as the highest priority for waste management. We urge Congress to develop a list of toxic chemicals in products, such as mercury in batteries, for immediate phase-out without further study and analysis. The promulgation of such phase-out could be modeled on the household battery and other legislation currently pending in a number of Northeastern states.

Furthermore, we urge Congress to ask EPA to develop a national materials use policy that would provide overall policy guidance to manufacturers and regulators on the use of materials in products. This policy could have the following types of goals: (1) a phase-out of targeted high toxicity materials because of the cost and difficulty in managing them; (2) development and use of non-toxic materials as substitutes for toxic materials whenever possible; (3) development of energy efficient material and processes; (4) promotion of conservation through resource recovery and increasing use of secondary materials; and (5) incorporation of full life-cycle analysis in the development phase of new materials, particularly those containing high toxicity chemicals. A national materials use policy would provide a framework for EPA's analysis of products containing hazardous substances as proposed in Section 204 Part (a) and for its development of standards for disposal of hazardous constituents in products as proposed in Section 204 Part (b). In addition, this type of policy would be consistent with the legislation's focus on toxics use and source reduction.

HWACalendar

October 16, 1991

MONTHLY MEETING

DEP ONE WINTER STREET BOSTON 10TH FLOOR CONFERENCE ROOM

Published by the Division of Hazardous Waste for the
HAZARDOUS WASTE ADVISORY COMMITTEE
for more information call Nancy Wrenn at 617-292-5587

- 9:30 Announcements
Review of minutes of 9/25 meeting
- 9:45 Discussion with Commissioner Greenbaum and
Ass't Commissioner Pat Deese Stanton about Household
Hazardous Waste Policy Recommendations
- 10:15 Slide presentation on permanent and mobile household
hazardous waste collections in Germany and Austria-
LeeAnn Merashoff, Laidlaw Environmental Services, Inc.
- 10:45 Overview of 150B Subcommittee work-
Susan Raymond and Mitch Briskin, co-chairs
- 11:30 Proposed EPA listing of options and management standards
for used oil-
Jim Miller

Subcommittee Schedule:

150B Subcommittee

October 17, 9:30-Noon
100 Cambridge St., Room 1108

Transporters Committee

November 13, 10 - Noon
1 Winter St., 5th Fl. Conf. Room



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of September 25, 1991 Meeting

Members present: Brown, Cahaly, Davis, Lacouture, McGregor (chair), Ozonoff, Raymond, Schloss

Members absent: Cox, Dufresne, Rubinstein

Steve DeGabriele, newly-appointed acting director of the Division of Hazardous Waste, who left the Division in 1988 to head the DEP Office of Enforcement, was re-introduced.

Susan Raymond, co-chair of the 150B subcommittee, reported that the committee is now meeting weekly to accomplish its goal of having draft regulations by the end of October. There has been considerable debate about the wisdom of developing regulations for a statute which is ambiguous. The committee has wrestled with the issue of applicability as it relates to the meaning of the word "facility." Cahaly noted that it was never the intent of the Legislature to include generators. McGregor stated that in order to clarify this, it would be wise to request an opinion of the AG, which, if necessary, would force revision of the statute. The members requested a progress report from the subcommittee at their October meeting and a full review of the draft at the November meeting.

Bill Cass, new executive director of the Northeast Waste Management Officials Association, described NEWMOA's position on RCRA re-authorization issues, which is being mailed today to Congressional Committees. It is unclear when a comprehensive bill will be addressed, or re-authorization will occur. The National Governors Association (NGA) is working on consensus on inter-state issues. States are in different stages of work on toxic use reduction and pollution prevention and approaches vary. NEWMOA's comments address program overlap and suggest standardizing definitions, e.g. "releases." NEWMOA also supports getting toxics out of consumer products. The multi-state association recommends replacing present capacity assurance and sanctions with a financial approach based on fees. The states may have to take the initiative in siting facilities. New York, for example, is suing EPA for not enforcing capacity assurance and will not accept waste from other states. Brown noted that fees are a sore subject with industry. In his plant last year the fees nearly equalled what they saved in source reduction. Cass said that the purpose of such fees would be to get states moving toward siting facilities. He concluded by announcing that DEP Assistant Commissioner, Pat Deese Stanton, will be the new chair of NEWMOA.

Al Nardone, chief of transporter licensing, reported that use of rail cars for shipping hazardous waste, procedures for transferring loads, and the transporter as a marketer of waste oil are now being addressed in the transporter subcommittee.

Jean Debroux of Clean Harbors was introduced by Nancy Wrenn, who said that it had come to her attention that the pesticide pentachlorophenol must go to Finland for incineration. When banned pesticides are targeted for collection and disposal, the collection budget could be swallowed up quickly. Debroux said that in part due to public concern about the toxicity of dioxin, there are no facilities in the U.S. permitted for final disposal. Tara Zadeh, attorney for the Mass. Department of Food & Agriculture, stated that any pesticide which is unregistered cannot be used. Weed-B-Gone, sold in the 70's, is the most commonly collected pesticide at household hazardous waste events, Debroux said. Mascoop noted that the estate of a deceased resident in his town had to pay \$11,000 to have old pesticides removed and disposed.

Grace Caner, intern with the EOE Office of Technical Assistance, presented a discussion on the options for disposal of household waste paint. Typically 25% of the volume collected, paint costs about \$50 per 55 gallon drum to dispose. 100 tons were collected this past year in Mass. If it is liquid, it may go to a fuel blender; if it is solid, it likely will go to hazardous waste incineration. She estimates that there is a possible 40% savings for communities by diverting the paint for re-use. Paint recycling through blending for post-consumer product, which has been tried on the west coast, has been discontinued because it was more expensive than disposal and the recycled product did not meet quality standards. (Hancock Paint of Norwell will take back their own brand, not over 2 years old, and blend it for donation.) In Vermont 50% of the collected paint has been exchanged. Debroux said that Clean Harbors was involved in this and separated the waste paint into 9 categories, checked the quality for re-use, the latex for mercury, and consolidated what could not be used. The feasibility of burning paint in municipal solid waste incinerators, which have the capacity of burning thousands of tons/day, should be explored, Cahaly suggested.

Denise Breiteneicher of MWRA reported that the locations of the pilot household hazardous waste collections have been selected and the contractor will be Clean Harbors.

Members reviewed the Recommendations on Household Hazardous Waste Policy Directions for Massachusetts (Sept. 91), amended it to add chlorinated hydrocarbon solvents and all pesticides to the list of wastes targeted as priorities for collection, the addition of a caveat for the hierarchy of action, and the deletion of the recommendation that motor oil retail fees be placed at the distributor level. The report was accepted with these amendments.

HWACalendar

November 20, 1991

MONTHLY MEETING

DEP ONE WINTER STREET BOSTON 10TH FLOOR CONFERENCE ROOM

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HAZARDOUS WASTE ADVISORY COMMITTEE
for more information call Nancy Wrenn at 617-292-5587

- 9:30 Announcements
Review of minutes of October 16 meeting
- 9:45 Proposed minor amendments to 310 CMR 30.000 - Jim Miller
Lighting ballast policy
- 10:00 Proposed Site Assignment Regulations (C. 111, s.150B) -
Susan Raymond, Mitch Briskin, co-chairs, 150B subcommittee
- 11:00 The Licensing of a Treatment, Storage and Disposal
Facility - Steve Dreeszen
- *****
- 11:30 Steering Committee meeting: future agendas, including
December holiday lunch

Subcommittee schedule:

Transporters Committee December 11, 10:00-Noon
1 Winter Street, 5th Floor Conf. Room



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of October 16, 1991 Meeting

Members present: Brown, Cox (chair), Dufresne, Mascoop, McGregor, Raymond, Schloss

Members absent: Cahaly, Davis, Lacouture, Ozonoff, Rubinstein

Commissioner Greenbaum and Assistant Commissioner Stanton were presented an overview of the recommendations on household hazardous waste policy directions by Geoffrey Brown, member of the sub-committee which developed the report in response to the Commissioner's request of the Advisory Committee.

Greenbaum thanked the committee, and stated that household hazardous waste appears to be a large volume, relative to that produced by Very Small and Small Quantity Generators and represents a wide range of material in small amounts. He stressed that the hierarchy of waste management approach which was recommended helps direct the issue toward other consumer product-related issues, such as packaging standards, e.g. developing a language for toxic ingredients, and to pilot programs, such as household battery collection, test-burning of appropriate wastes, and integrating the Clean Air Act regulations pertaining to aerosols and paints. He sees the Bureau of Waste Prevention as the correct location for the program and agrees that the "best bang for the buck" may be to use the leverage of prominent identification of less toxic products at the point of purchase. He noted that CONEG (Council of New England Governors) is now working on packaging standards and we will begin to see a lot of effort on reformulation (not bans), he feels.

Greenbaum sees the present collection system as a challenge, With 130-140 communities now mandating recycling, citizens are being educated to do source separation and HHW could be included in this education. He likes the concept of picking a few products and trying to find markets, such as waste oil and other automotive products. The DEP's automotive workshops planned for spring '92 may be an opportunity to address this. He would like to focus the HHW effort on re-use of materials and reformulation, e.g. gasoline. Eight states are now working for cleaner gas.

Assistant Commissioner Pat Stanton continued the discussion, stating that she is now reorganizing the Bureau and sees a tension between the facility orientation and consumer products. She needs good documentation on the household hazardous waste problem. For example, the Department has dedicated regulatory development time to the automobile because 50% of the precursors to poor air quality affecting the ozone layer are judged to come from auto emissions. She said that technical work and training

need to be balanced. She is committed to adoption of the "Blackstone model" as a multi-media approach and would like to come back to HWAC to discuss this, as the Division of Hazardous Waste is a major player. She will be negotiating with EPA on the bookkeeping for inspections. She is also working on the Fees Program.

Jim Miller presented a summary of EPA's recent draft ruling on waste oil, which includes three options: (1) listing all waste oil with management standards (similar to the Massachusetts' approach); (2) consider several categories of waste oil and manage based on relative danger to the environment, e.g. crankcase oil from gas-powered engines typically fail TC; and (3) management standards only. EPA also proposes one generator status for all waste oil generators and a "one drop rule" to determine whether the waste is solid or liquid. Miller stated that DEP would be commenting on the three proposals and had requested an extension of the 45-day comment period. In addition, DEP would comment on quotas for re-refiners, the deposit/refund system, and oil/water mixtures.

LeeAnn Merashoff of Laidlaw Environmental Services presented slides on mobile household hazardous waste collections in Germany and Austria. She noted that in Seattle-King County, Washington the wastemobile has not been less costly but they have achieved a high participation rate. (532 tons have been collected from 17,000 vehicles.) In Germany the "Gift Mobil," or poison truck, works on a publicized schedule among urban neighborhoods. People walk up to the back of the truck with their household hazardous waste, even children! The mobile vehicle stays 45 mins. to 2 hrs. in one location, where material is sorted and consolidated and then moves on to a processing center. The service is a cooperative effort between industry and county government. The cost is high; residents pay a part of it in their solid waste fee. Each vehicle costs approximately \$100,000. One efficiency is the use of square metal containers. The service is not available to VSQG's. Merashoff commented that she sees several issues with such a service: Is the permanent facility or the mobile unit the generator? The mobile unit cannot take bulky items, such as asbestos. Safety is an issue, if people are hand-carrying their waste. Who pays for the service and who operates it? She concludes that it is logistically most appropriate for urban and rural communities.

Steve Dreeszen summarized the work of the 150B subcommittee and a memo from Sue Raymond, co-chair of the committee, was distributed. The June 1991 SJC ruling that the statute applies to existing facilities has served as an incentive to produce regulations. The committee will recommend however that there be a statutory change. There are many issues, including the cost of presenting comparable processes in the application and proving that the facility's activities pose less of a danger.

The minutes of the September 25 meeting were approved.

**MASSACHUSETTS DRAFTS HAZARDOUS WASTE FACILITY
SITE ASSIGNMENT REGULATIONS
FOR CHAPTER 111 Section 150B**

Chapter 111 Section 150B was enacted on May 20, 1980 as part of a bill which included M.G.L.c 21D, the Hazardous Waste Facility Siting Act. Written prior to the implementation of the federal Resource Conservation and Recovery Act (RCRA) and the Massachusetts Hazardous Waste Management Act, it was intended to protect the citizens of the Commonwealth from unsafe hazardous waste treatment, storage and disposal facilities. Section 150B distinguishes those "facilities" described in 21D from those solid waste facilities identified in Section 150A of C. 111 and sets forth a framework by which site assignment by the local board of health shall be made.

The Department of Environmental Protection has made a series of efforts since 1980 to clarify the ambiguities of the statute. None of these has been successful although a written policy of the Department has been used as an interpretative document. It states that existing licensed facilities (as of January 1, 1980) and certain storage, treatment, and non-land disposal facilities would be exempted.

Since 1980 a large number of declared treatment, storage and disposal facilities have closed or downgraded their status to generator. Of the original 399 notifiers, only 23 presently remain active in the category of hazardous waste operations which are receiving waste from off-site, the "commercial" facilities, or are storing or treating waste of their own on-site. Seven of these facilities have already been granted a 150B site assignment by their local board of health.

On April 29, 1991 the Supreme Judicial Court (S.J.C.) ruled in Clean Harbors of Braintree, Inc. v. Board of Health of Braintree that Clean Harbors is required to seek a 150B site assignment from the Board of Health. In so doing, the S.J.C. found that 150B does not contain a "grandfathering" provision. To provide direction to Boards of Health and to offer clarification of the statute, Commissioner Daniel Greenbaum informed the boards that the Department would promulgate regulations pursuant to C. 111, s. 150B within six months.

The proposed regulations have been developed with the valuable assistance of a voluntary advisory committee, known as the 150B subcommittee of the Hazardous Waste Advisory Committee, which met from July through October. The committee was representative of the hazardous waste regulated community, local boards of health, regional planning agencies, environmental interest groups and the Massachusetts Site Safety Council.

For notice of the public hearings contact Nancy Wrenn at DEP
(617) 292-5587. 11/1/91

OUTLINE OF THE REGULATIONS

- 35.001 Authority
- 35.002 Purpose
- 35.003 Jurisdiction
- 35.004 Severability
- 35.005 Effective Date
- 35.006 Computation of Time
- 35.010 Definitions
- 35.100 Site Assignment Requirements and Procedures
- 35.101 Who Must Apply
- 35.102 Pre-Application Scoping
- 35.103 Impasse
- 35.104 Application
- 35.105 Factors to Consider and Criteria for Comparison
Determination
- 35.106 Standard for Review and Decision
- 35.107 Mitigating Factors
- 35.108 Operating Conditions
- 35.109 Technical Information and Assistance
- 35.110 Standards to be Used by the Department
- 35.200 Processing of Application for an Assignment of Site
- 35.201 Completeness of Application
- 35.202 Draft Site Assignment
- 35.203 Public Notice and Public Comment
- 35.204 Public Hearing for Site Assignment
- 35.205 Issuance and Effective Date of Site Assignment
- 35.300 Site Assignment Modification

HWACalendar

December 18, 1991

MONTHLY MEETING

DEP ONE WINTER STREET BOSTON 10TH FLOOR CONFERENCE ROOM

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HAZARDOUS WASTE ADVISORY COMMITTEE
for more information call Nancy Wrenn at 617-292-5587

9:30 Announcements

- FY'93 Budget
- Biennial Report update

10:00 Presentation of proposed draft 150B regulations

VOTE WILL BE TAKEN. MEMBERS SHOULD TRY TO BE PRESENT.

11:00 Constituencies represented by the Hazardous Waste Advisory Committee - Advisory Committee members will be asked to describe the organization they represent and their role in communicating about 21C matters

12:00 Holiday luncheon

You are cordially invited to join us for a buffet lunch. Please call Nancy Wrenn by Monday, December 16 if you plan to attend. There will be a charge of \$6.00.

Subcommittee schedule:

Transporters Committee January 8, 1992, 10:00-Noon
1 Winter Street, 10th floor Conf. Room



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of November 20, 1991 Meeting

Members present: Brown, Dufresne, Mascoop, Raymond,
Rubinstein (chair)

Members absent: Cahaly, Cox, Davis, Lacouture, McGregor,
Ozonoff

Steve DeGabriele reported that RCRA reauthorization, a topic at the recent annual meeting of EPA with the Region I states, is uncertain. There is little interest in recodifying or streamlining RCRA. However, there is discussion of adding more stringent management standards for solid wastes which have not been strictly classified as hazardous. An example is shredder residue. Inter-state transport and capacity are also of concern. Although pollution prevention is stated as a goal, federal dollars are not going with the commitment, DeGabriele said.

Jim Miller reported that the EPA proposed waste oil rule is expected to be Final in April. No extension of the comment period was granted. Miller noted that there are two minor amendments to 310 CMR 30.000 being prepared. One will add off-site TSDF's to those regulated entities which are subject to the new Biennial Report filing requirement. Sue Prior questioned whether the Monthly Operating Report would still be required of these TSDF's. [Miller will evaluate this and contact the affected facilities.] The other is to change "shall" to "may" in the use of the in-state 4-part manifest [30.311(7)]. Absent a quorum, members present agreed to support by consensus these changes in the regulations.

A Policy for Disposal of Lighting Ballasts from Fluorescent Lights Containing PCB Impregnated Capacitors was discussed by Miller. Due to a major retrofit going on now in the U.S., quantities of lighting ballasts with PCB-impregnated filters are being disposed. DEP has developed a policy, based on an interpretation of 310 CMR 30.000, which allows the contractor to bring the ballasts to a central collection point for processing, similar to what is allowed for utilities which are removing transformers from poles. This encourages waste minimization because the PCB-contaminated material is separated from the non-hazardous.

Susan Raymond, co-chair of the 150B subcommittee, reported that the committee concluded its regular meetings at the end of October. A draft cover letter is now being developed by Gina McCarthy. Those present agreed to review the final draft being developed by Chris Ayers on December 10. The next meeting of HWAC on December 18 will be largely devoted to 150B regulations.

Steve Dreeszen described the history of the hazardous waste facility licensing program, noting that Congress had been reluctant to regulate beyond the fence line because of local zoning. Currently 23 facilities in Mass. are subject to RCRA Part B permitting; 13 of these are facilities which take wastes from off-site and of those, only three are treating the waste. To date, 16 permits have been issued. Only one (ICI Americas) was appealed. Boards of Health are copied and draft permits are placed in the local library. Optimally the permit process takes 18 months, which includes a 45 day comment period.

Clean Harbors Inc., Braintree is the largest TSDF in New England and treats half of the waste which is treated in-state. Hampden Color and General Chemical treat small amounts of discreet solvent wastes. There is no final decision on the Clean Harbors draft license pending further study of fugitive emissions. In the interim CHI is operating under safety and insurance conditions which would be expected under a Part B permit, Bill Geary, principal of CHI, noted.

Five DHW engineers are assigned to do permits and DEP now collects a fee for this work. EPA is jointly involved with DEP in issuance of all RCRA facility permits. The newest Part B permit applicant, Recontek, is working on an aquifer study. Dreeszen noted that since these regulations went into effect there have been no major incidences.